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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,235	06/21/2005	Morten Norgaard	378/9-2091	1619
28147	7590	07/09/2010		
WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			EXAMINER BUTLER, PATRICK NEAL	
			ART UNIT	PAPER NUMBER
			1791	
			NOTIFICATION DATE	DELIVERY MODE
			07/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10540235	6/21/2005	NORGAARD, MORTEN	378/9-2091

EXAMINER

Patrick Butler

ART UNIT	PAPER
1791	20100623

DATE MAILED:

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Commissioner for Patents

Response to Amendment/Election/Restrictions

Applicant's election of Species B, longitudinal applicator configuration, in the reply filed on 11 February 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election was treated as an election without traverse (MPEP § 818.03(a)) in the Office Action mailed 08 July 2009.

In the claims filed 08 June 2010, New Claims 25-30 are directed to Species A, annular applicator configuration, since independent Claim 25 recites that the applicator is located at the top of the core (see Claim 25, line 7). Alternatively, New Claims 25-30 are directed to Species C, applicator within the rotor, since Claim 25 recites that the applicator is located at the top of the core and the rotor is at the top of the core (see Claim 25, line 7). Claims 26-30 require the non-elected species via dependency from Claim 25. Placing the applicator at the top of the core is not within the elected species of longitudinal applicator configuration since longitudinal applicator configuration would span the core longitudinally rather than being located at the top of the core as instantly claimed.

Thus, the amendment filed 08 June 2010 effectively cancels all claims drawn to the elected species; All remaining claims are not readable on the elected species as recited above.

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 08 June 2010. The submission, however, is not fully responsive to the prior Office action because all remaining claims are not readable on the elected species. Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions) (See 37 CFR 1.145 and MPEP § 706.07(h)(VI)(B)) because presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply in order to avoid abandonment. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791